

**REMARKS/ARGUMENTS**

Applicants respectfully request further examination and reconsideration in view of the above amendments and the arguments below. The previous response was not entered on the grounds that the Claims 29-35 were improperly addressed. The response provided herein properly addresses the examiner's arguments. Claims 1-43 were pending. Within the Office Action, Claims 1-43 are rejected. By way of the above amendments, Claims 1, 2, 4, 5, 7, 9, 11, 13, 17, 18, 21-26, 29, 30, 32, 33, 36, 37, 39, 40 and 43 are amended. Claims 1-43 are still pending.

**Rejections Under 35 U.S.C. § 102(b):**

Claims 1-3, 5, 6, 8-10, 13-19, 21, 22, 25-31, 33-38 and 40-43 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,442,686 to McArdle et al. ("McArdle"). The Applicants respectfully disagree with these rejections.

McArdle discloses a system for enforcing cryptographic-enabled messaging policies for email using a Policy Management Agent (McArdle, abstract). McArdle discloses an agent working in conjunction with a standard email protocol, SMTP (McArdle, col. 3, lines 25-30). It is known by one skilled in the art that SMTP utilizes a connection-based protocol, such as a TCP/IP. Connection based protocols, such as TCP/IP, first establish a communication channel by making a connection request or a service-initiation request. This communication channel is then used for sending email messages. Only after the establishment of a communication channel are email messages sent between the client and server. Accordingly, it is inherent in the teachings of McArdle, for the forwarding of a connection message, and therefore indiscriminately setting up a communication channel. McArdle discloses conditionally forwarding individual email messages, based on configuration policies (abstract). McArdle does not disclose intercepting and conditionally forwarding connection or service-initiation messages based on usage or service conditions.

*Claims 1-3, 5, 6, 8-10, and 13-16*

The independent Claim 1 is directed to a method for containing network communication. The method comprises the steps of determining whether one or more usage-conditions are met; intercepting a connection message; and conditionally sending, based on the one or more usage-

conditions, the connection message from a client to a server over a communication-conduit. As explained above, McArdle teaches the conditional transmission of email messages based on a configuration policy. McArdle does not teach the conditionally sending (forwarding) of a connection message based on one or more usage conditions. Accordingly, for at least this reason, the independent Claim 1 is allowable over McArdle.

The dependent Claims 2-3, 5, 6, 8-10, and 13-16 are all dependent on the independent Claim 1. For the reasons argued above, the independent Claim 1 is allowable over McArdle. Accordingly, Claims 2-3, 5, 6, 8-10, and 13-16 are all also allowable over McArdle as being dependent on an allowable base claim.

*Claims 17-19, 22, and 25-28*

The independent Claim 17 is directed to a method for containing network communication. The method comprises the steps of determining whether one or more service-conditions are met; intercepting a service-initiation request; and conditionally sending, based on the one or more service-conditions, the service-initiation request from a client to a server over a network. As explained above, McArdle teaches the conditional transmission of email messages based on a configuration policy. McArdle does not teach the interception of a service-initiation request and conditionally sending (forwarding) the message based on one or more usage conditions. Accordingly, for at least this reason, the independent Claim 17 is allowable over McArdle.

The dependent Claims 18, 19, 22, and 25-28 are all dependent on the independent Claim 17. For the reasons argued above, the independent Claim 17 is allowable over McArdle. Accordingly, Claims 18, 19, 22, and 25-28 are all also allowable over McArdle as being dependent on an allowable base claim.

*Claims 29-31 and 33-35*

The independent Claim 29 is directed to a system for the containment of network communication. The system comprises a communication-proxy for intercepting a connection message from a client to a server over a communication-conduit. The forwarding of the connection message is determined by the communication proxy. The communication-proxy is programmed to determine whether one or more usage-conditions are met. If the one or more

usage-conditions are met, the communication-proxy forwards the connection message to the server. If the one or more usage-conditions are not met, the communication-proxy discards the connection message. As explained above, McArdle teaches a system for the conditional transmission of email messages based on a configuration policy. McArdle does not teach a system for the interception of a connection message and conditionally sending (forwarding) the message based on one or more usage conditions. Accordingly, for at least this reason, the independent Claim 29 is allowable over McArdle.

The dependent Claims 30, 31, and 33-35 are all dependent on the independent Claim 29. For the reasons argued above, the independent Claim 29 is allowable over McArdle. Accordingly, Claims 30, 31, and 33-35 and are all also allowable over McArdle as being dependent on an allowable base claim.

*Claims 36-38 and 40-43*

The independent Claim 36 is directed to a system for the containment of network communication. The system includes a service-proxy for intercepting a service-initiation request sent by a client to a server over a network. The service-proxy is configured to determine whether one or more service-conditions are met. If one or more of the service-conditions are met, the service-proxy forwards the service-initiation request to the server over the network. If one or more of the service conditions are not met, the service-proxy discards the service-initiation request. As explained above, McArdle teaches a system for the conditional transmission of email messages based on a configuration policy. McArdle does not teach a system for the interception of a service-initiation request and conditionally sending (forwarding) the message based on one or more usage conditions. For at least this reason, the independent Claim 36 is allowable over McArdle.

The dependent Claims 37, 38 and 40-43 are all dependent on the independent Claim 36. For the reasons argued above, the independent Claim 36 is allowable over McArdle. Accordingly, Claims 37, 38 and 40-43 are all also allowable as being dependent on an allowable base claim.

**Rejections Under 35 U.S.C. § 103(a):**

*Claims 4, 7, 10, 20, 23, 24, 32, and 39*

The dependent Claims 4, 7, 10, 20, 23, 24, 32, and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McArdle in view of Patent Application Pub. No. 2003/0120811 to Hanson et al. ("Hanson"). The Applicants respectfully disagree with these rejections.

As explained above, McArdle does not teach the interception of a connection message and conditionally sending the connection message based on one or more usage conditions, as recited in Claims 1 and 29. Nor does McArdle teach the interception of a service-initiation request and conditionally sending the service-initiation request based on one or more usage conditions, as recited in Claims 17 and 36.

Hanson discloses the use of DHCP messages. Like McArdle, Hanson does not teach the interception of a connection message and conditionally sending the connection message, based on one or more usage conditions, as recited in Claims 1 and 29. Also like McArdle, Hanson does not teach the interception of a service-initiation request and conditionally sending the service-initiation request based on one or more usage conditions, as recited in Claims 17 and 36. For at least these reasons, Claims 1, 17, 29, and 36 are all allowable over McArdle, Hanson, and their combination.

Claims 4, 7, and 10 all depend on Claim 1. As explained above, Claim 1 is allowable over McArdle, Hanson, and their combination. Accordingly, Claims 4, 7, and 10 are all also allowable as being dependent on an allowable base claim.

Claims 20, 23, and 24 all depend on Claim 17. As explained above, Claim 17 is allowable over McArdle, Hanson, and their combination. Accordingly, Claims 20, 23, and 2 are all also allowable as being dependent on an allowable base claim.

Claim 32 depends on Claim 29. As explained above, Claim 29 is allowable over McArdle, Hanson, and their combination. Accordingly, Claim 32 is also allowable as being dependent on an allowable base claim.

Claim 39 depends on Claim 36. As explained above, Claim 36 is allowable over McArdle, Hanson, and their combination. Accordingly, Claim 39 is also allowable as being dependent on an allowable base claim.

*Claims 11 and 12*

Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. McArdle in view of U.S. Patent No. 6,587,877 to Dougliis et al. ("Dougliis"). The Applicants respectfully disagree with these rejections.

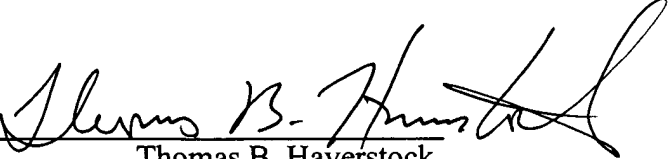
As explained above, McArdle does not teach the interception of a connection message and conditionally forwarding the message based on one or more usage conditions, as recited in Claim 1. Dougliis teaches a means for managing time and expense when communicating between a host and multiple network connections (abstract). Dougliis does not teach the interception of a connection message and conditionally forwarding the message based on one or more usage conditions, as recited in Claim 1. Accordingly, Claim 1 is allowable over McArdle, Dougliis, and their combination.

Claims 11 and 12 both depend from Claim 1. As explained above, Claim 1 is allowable over McArdle, Dougliis, and their combination. Accordingly, Claims 11 and 12 are both also allowable as being dependent on an allowable base claim.

For the reasons argued above, the Applicants respectfully submit that Claims 1-43 are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to discuss them so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

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**CERTIFICATE OF MAILING (37 CFR § 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP

Date: 7/21/08 By: 